

REMARKS

Applicant submits this Reply in response to the non-final Office Action mailed June 9, 2009. Claims 1-9, 11, and 14 are pending in this application, of which claim 1 is independent. By this reply, Applicant has amended claim 1. No new matter has been added.

In the Office Action, the Examiner rejected claims 1 and 8 under 35 U.S.C. § 102(b) as being anticipated by GB 2,033,881 ("Harris"); rejected claims 2-5, 11, and 14 under 35 U.S.C. § 103(a) as being unpatentable over Harris in view of U.S. Pat. No. 6,817,474 ("Ikeda"); rejected claims 6 and 7 under § 103(a) as being unpatentable over Harris in view of Ikeda, and further in view of U.S. Pat. No. 6,540,088 ("Oder"); and rejected claim 9 under § 103(a) as being unpatentable over Harris in view of U.S. Pat. No. 4,631,124 ("Paulson").

In this Reply, Applicant has amended independent claim 1 to recite, in part:

A method for cleaning a batch of granular materials to be used in extruding a product, the batch including pellets, defective pellets, and loose particles, comprising: removing a portion of the loose particles from the batch, including removing loose contaminants and fines that are separable from both the pellets and the defective pellets, the fines being of the same material as the pellets, and the loose contaminants having material characteristics that are undesirable for the product

Support for this amendment can be found in Applicant's specification at least at page 2, paragraph [006], page 10, paragraph [043], and page 12, paragraph [049].

Applicant respectfully traverses all pending rejections for at least the reasons discussed below.

Rejections Under 35 U.S.C. § 102

Applicant respectfully traverses the rejection of claims 1 and 8 under 35 U.S.C. § 102(b) as being anticipated by Harris. In order to properly establish that Harris anticipates Applicant's claimed invention under 35 U.S.C. § 102, every element of the claims in issue must be found, either expressly or described under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Harris fails to disclose every element of Applicant's claims. Amended independent claim 1 recites, in part, "removing a portion of the loose particles from the batch, including removing loose contaminants and fines that are separable from both the pellets and the defective pellets, the fines being of the same material as the pellets and the loose contaminants having material characteristics that are undesirable for the product" and "after the removing of a portion of the loose particles, including fines and contaminants, detecting in the batch the defective pellets and additional loose contaminants." Harris nowhere appears to disclose such features.

Harris discloses only a chute for use in sorting "a quantity of agricultural products such as peas, peanuts, or beans." Harris at page 1, lines 105-06. In one step in the sorting process described in the reference, "peas" are passed through a chute with apertures in the walls thereof. Air then enters the chute through the apertures in order to protect the walls of the chute from contact with the peas and to "remove dust and grit

from the peas.” However, nowhere does Harris describe removing “fines” from the product.

According to Applicant’s specification, “fines,” in the context of working with resin pellets used in extruding a polymer product, “are substances of the same material as the resin pellets but not having a granular or pelletized form. . . . [F]ines are not considered contaminants within the batch of materials.” Page 2, paragraph [006].

Applicant’s have found that the removal of fines prior to the attempted detection of defective pellets can greatly increase the efficiency of the cleaning process and result in increased accuracy of defective pellet identification. Applicant’s specification states:

The Applicant has perceived that the identification and removal of the defective pellets can be remarkably improved by placing component 120 downstream from component 110. In removing the fines from a stream of pellets, component 110 considerably increases the efficiency of the defective pellets removal since the fines can mask defective pellets during the detection process or can be themselves erroneously detected as good pellets.

Page 13, paragraph [051].

Harris does not appear to disclose removing “fines being of the same material as the pellets” or “after the removing of a portion of the loose particles, including fines . . . , detecting in the batch the defective pellets.” In fact, the chute described in Harris only appears to “remove dust and grit [or contaminants] from the peas” and then utilize an optical sensor to identify discolored peas. Harris at page 2, lines 2-17 and 76-77.

Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of amended independent claim 1 based upon Harris under § 102. Moreover, claim 8 depends from independent claim 1 and thus, contains all the elements and limitations thereof. As a result, dependent claim 8 is allowable at least due to its corresponding dependence from independent claim 1.

Rejections Under 35 U.S.C. § 103(a)

Applying 35 U.S.C. § 103(a), the Examiner rejected claims 2-5, 11, and 14 as being unpatentable over Harris in view of Ikeda; rejected claims 6 and 7 as being unpatentable over Harris in view of Ikeda, and further in view of Oder; and rejected claim 9 as being unpatentable over Harris in view of Paulson. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2142, 8th Ed., Rev. 5 (August 2006). Moreover, “in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed.” USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, page 2.

A *prima facie* case of obviousness has not been established because, among other things, none of Harris, Ikeda, Oder, or Paulson, alone or in any combination, teaches or suggests every feature of Applicant’s amended claims. Applicant has already established in the previous section that Harris fails to teach at least “removing a portion of the loose particles from the batch, including removing loose contaminants and fines that are separable from both the pellets and the defective pellets, the fines being of the same material as the pellets, and the loose contaminants having material characteristics that are undesirable for the product.” The Examiner’s citation of Ikeda, Oder, and Paulson fails to cure this deficiency. Specifically, no reference cited by the Examiner discloses removing “fines being of the same material as the pellets” and “after the removing of a portion of the loose particles, including fines and contaminants,

detecting in the batch the defective pellets and additional loose contaminants," as recited in amended independent claim 1.

Claims 2-7, 9, 11, and 14 depend from amended independent claim 1. Thus, claims 2-7, 9, 11, and 14 are patentably distinguishable from Harris, Ikeda, Oder, and Paulson at least due to their corresponding dependence from independent claim 1. Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw the rejections of dependent claims 2-7, 9, 11, and 14 under 35 U.S.C. § 103(a).

Claim Scope

It is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicant believes that he is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

If the Examiner believes that a telephone conversation might advance prosecution of this application, the Examiner is cordially invited to call Applicant's undersigned attorney at (404) 653-6435.

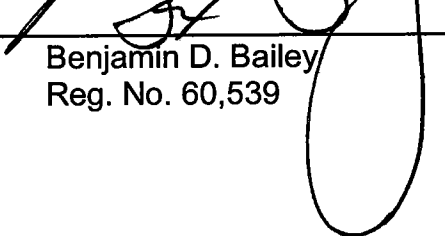
Applicant respectfully submits that the Office Action contains a number of assertions concerning the related art and the claims. Regardless of whether those assertions are addressed specifically herein, Applicant respectfully declines to automatically subscribe to them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: August 31, 2009

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